Remarks

Claims 1-13 remain in the case with Claim 5 amended as shown in the attachment.

The Examiner has objected to the Specification as lacking antecedent for the means plus function language of Claim 8. The Examiner's attention is respectfully directed to the Specification page 4, Para. 2 where this language finds it's antecedent in that the "means" for each step of the method is described as executable computer program instructions stored on any computer readable medium. As shown in the Drawing, Figure 2, each method step is a separate logical block of the computer program's instructions. Therefore, the "means" is set forth, even if the word means is not itself used to describe the computer program instructions, these instructions are, nevertheless, individual means for carrying out each step of the method described. In light of this, the Examiner is respectfully requested to withdraw this rejection.

The Examiner has objected to the Claims under 35 USC 112, Para 2 as being indefinite for lack of clarity regarding the entity which owns the test criterion. As used in Claim 1, the word "criterion" is used in reference to the criterion used for the selection of the time to place an order and does not refer to anything connected with aggregation. As clearly recited in Claim 1, the criterion is for the selecting step of the method and has nothing to do with the aggregating step. The selecting step is executed in response to completion of the aggregating step as set forth in the Claim.

The Examiner is therefore respectfully requested to withdraw this objection to the Claims.

The Examiner's objection to Claim 8's means plus function terminology has already been addressed above in that the means are the various program execution steps shown in the Drawing and described in the Specification as pointed out and as further described in detail with reference

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to the Drawing at pages 7, line 12 through page 9, line 25, inclusive. Therefore, the Examiner is respectfully requested to withdraw this objection as well.

Turning to the Rejections of the Claims on the prior art, the Examiner has argued that Walker et al describes a system that anticipates Applicant's Claims under 35 USC 102(b). Applicant's wish to point out that Walker et al describes a system that is in accordance with the already-cited prior art shown in the application (US 6,047,266 to van Horn et al) and that it, like van Horn et al, differs substantially from the presently-claimed invention in several particular respects as will be discussed in further detail.

First, Walker does not show in his step 1304 cited by the Examiner, any "subscribing" to a topic. What this step actually shows in Walker is "a central controller receiving the conditions, price and expiration date associated with the conditional purchase order (CPO) from the buyer, including a description of each good or service, and an identifier of a general purpose account from which funds may be paid, such as a credit or debit card account". This has nothing to do with any publish/subscribe model of operation in that all that the buyer is required to do is to send a CPO directly to a vendor. There is no mediation by any publish/subscribe mechanism of any kind taught by Walker or in any way suggested by this type of operation.
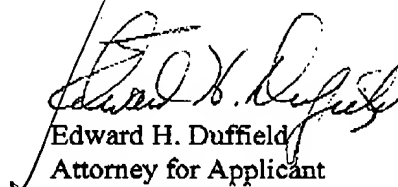
Secondly, the Examiner's citation of step 1344 of Walker et al does not show aggregating the requests from multiple buyers. What step 1344 teaches in Walker et al is " when the received CPO does not meet the criteria to submit a request to the buyer to modify the original conditions of the CPO to meet the conditions of an existing CPO, then the program control proceeds to step 1344, discussed below, to process the received CPO individually in a conventional manner". This shows an order being processed individually, not in response to an aggregation of orders by buyers.

Finally, the Examiner's citation of step 1410 of Walker et al does not serve to teach or suggest a step of publishing. In Walker, the response is simply sent as a response to an

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individual, and comprises only the acceptance of the CPO and "Thereafter, the response of each accepting seller is received during step 1410". This process does not correspond to the publish/subscribe model of the presently-claimed invention because all that the buyer of Walker et al is doing is sending an acceptance directly to a vendor. There is no mediation by any publish/subscribe mechanism taught or suggested .

In view of the substantial differences between the prior art cited by the Examiner and the claims presented, the Examiner's reconsideration of these claims on their merits and a withdrawal of the rejections is respectfully requested.

Respectfully submitted,

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